

### **REMARKS**

Applicants thank Examiners Stefanon and Bucci for the courtesies extended to the Applicants' representative during a personal interview on April 22, 2003. During the interview, Applicants' representative explained that the applied reference does not disclose a rigidity supplementing portion and a brittle portion at a rear of the rigidity supplementing portion as claimed.

Claims 1-20 are all the claims presently pending in the application. Claims 1-9 have been amended to more clearly define the invention, the drawings have been amended and claims 10-20 have been added. Claims 1 and 12 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Claims 4 and 6 stand rejected under 35 U.S.C. § 112, second paragraph and claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kato (Japanese Patent Document No. 9-254821).

These rejections are respectfully traversed in the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention is directed to a pedal bracket structure including a pedal bracket and a pedal lever. The pedal bracket is attached at a front end portion to a toe board. The pedal bracket rotatably supports a pedal lever. The pedal bracket includes a rigidity

supplementing portion toward the front end portion of the pedal bracket, and a brittle portion at a rear side of the rigidity supplementing portion.

As explained by the present specification, a first conventional pedal support structure includes a back plate 140 (e.g., see Figure 6 of the present application) just above a hole in a pedal bracket 110 which improves longitudinal rigidity of the pedal bracket. The hole is provided to allow the bracket to crush easily in the event of a front end collision. However, there is a risk that the back plate 140 will deteriorate the deforming promoting function of the hole in the pedal bracket.

As shown in Fig. 7 (which corresponds to JPA 9-25821 to Kato, cited by the Examiner and discussed below), a second conventional pedal support structure includes pedal bracket 222 which includes an opening which deforms and is rigidly supported at a bracket side sliding portion 238 which must be attached to a vehicle side sliding member 241 at an inclination angle  $\theta$ . However, the second conventional pedal support structure requires a number of components and further requires extensive modifications to the vehicle side to include a vehicle side sliding member at the inclination angle.

By contrast, the present invention solves the problems of the conventional structures by providing a pedal bracket which includes a rigidity supplementing portion toward the front end portion of the pedal bracket, and a brittle portion at a rear side of the rigidity supplementing portion. In this manner, with only a simple modification, the rigidity of the pedal bracket during operation is assured while deformation at the brittle portion is achieved during impact absorption.

## **II. THE 35 U.S.C. § 112, SECOND PARAGRAPH REJECTION**

The Examiner alleges that claims 4 and 6 are indefinite. While Applicants submit that such would be clear to one of ordinary skill in the art taking the present Application as a whole, to speed prosecution claims 4 and 6 have been amended.

Specifically, Applicants note that claims 4 and 6 have been amended to remove the “saddle type” language.

This Amendment adds new claims 10 and 11 which recite that the switch bracket is saddle shaped. Applicants respectfully submit that one of ordinary skill in the art understands the meaning of the term “saddle shaped” especially in view of the description in the specification at, for example, page 8, line 20- page 9, line 3 and in reference to Fig. 3A

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

## **III. THE PRIOR ART REJECTION**

The Examiner alleges that the Kato reference (which corresponds to the structure shown in Fig. 7 and described as the “second conventional” example on pages 2-3 and 4 of the present application) teaches the claimed invention. Applicants submit, however, that there are elements of the claimed invention which are neither taught nor suggested by the Kato reference.

As explained during the personal interview and contrary to the allegations of the Examiner, the Kato reference does not teach or suggest 1) a pedal bracket which includes a rigidity supplementing portion toward the front end portion of the pedal bracket, and 2) a brittle portion at a rear side of the rigidity supplementing portion. As noted above,

conventional pedal structures have potentially reduced the ability of the pedal bracket to deform under impact by providing a back plate or have required substantial modification of the vehicle side mount to provide adequate pedal operating rigidity.

By contrast, the present invention solves the problems of the conventional structures by providing a pedal bracket which includes a rigidity supplementing portion toward the front end portion of the pedal bracket, and a brittle portion at a rear side of the rigidity supplementing portion. In this manner, with only a simple modification, the rigidity of the pedal bracket during operation is assured while deformation at the brittle portion is achieved during impact absorption.

As mentioned above, the Kato reference is the same pedal support bracket shown in Fig. 7 and described in detail by the present application. Even if the Examiner is attempting to equate hole 26-2a in a pedal bracket 22 with the brittle portion of the claimed invention, contrary to the Examiner's allegations, the Kato reference does not show a rigidity supplementing portion 26-2 which is formed in the front end portion of the bracket. Such a feature in the claimed invention is important for a simple modification which assures the rigidity of the pedal bracket during operation while deformation at the brittle portion is achieved during impact absorption. Indeed, the Kato reference does not even show a pedal bracket which includes a rigidity supplementing portion, let alone a rigidity supplementing portion at a front end portion of the bracket.

Rather, the Kato reference discloses a structure which has a pedal bracket attached to a rigidity supplementing structure at a rear of the pedal bracket. Contrary to the Examiner's allegations, nothing at the front end of the pedal bracket is designed to increase rigidity. Indeed, without the hole 26-2a, it is clear that the pedal bracket disclosed by the Kato

reference does not include any structure at all which acts as a rigidity supplementing portion. Rather, the pedal bracket would only include a solid left wall and a solid right wall. The modification to such solid side walls shown by the Kato reference is the addition of holes which only serve to make the pedal bracket brittle at that location. There is no further structural feature to the side walls which supplements rigidity at the front end.

As explained by the current specification at, for example page 4, lines 3-7, the Kato reference discloses a rigidity supplementing structure attached to a rear of the pedal bracket which requires extensive modification of the vehicle side mount to accommodate the pedal bracket. Thus, the Kato reference does not provide the advantages of the present invention, such as, for example, requiring only a modification of the pedal bracket to both supplement rigidity and provide a brittle portion.

Further, even assuming arguendo, that the portion of the sidewall of the pedal bracket 26 below the opening in the sidewall were to correspond to a rigidity supplementing portion as alleged by the Examiner, clearly the opening (brittle portion) is not formed at a rear side of the rigidity supplement portion. Rather, the Examiner's alleged rigidity supplementing portion is formed as the lower/rear portion of the sidewall which defines the lower/rear boundary of the opening. Thus, the opening is clearly not formed at a rear side of the rigidity supplementing portion. As explained above, this is an important distinction. The Examiner's alleged rigidity supplementing portion reduces the ability of the opening to deform. Therefore, when a load is applied from the front, the opening will not deform as readily because of the Examiner's alleged rigidity supplementing portion.

By contrast, the present invention provides the brittle portion at a rear of the rigidity supplementing portion. In this manner, the brittle portion's ability to deform is not adversely

affected by the rigidity of the rigidity supplementing portion. Indeed, the Examiner's applied reference suffers from one of the problems which is solved by the present invention.

Therefore, contrary to the allegations of the Examiner, the Kato reference does not teach or suggest a pedal bracket which includes a rigidity supplementing portion toward the front end portion of the pedal bracket, and a brittle portion at a rear side of the rigidity supplementing portion. Therefore, the Examiner is respectfully requested to withdraw this rejection of claims 1-20.

#### **IV. FORMAL MATTERS AND CONCLUSION**

Submitted herewith are proposed drawing corrections, marked in red, to Figures 6 and 7. If approved, such corrections will be incorporated into the formal drawings at the time of allowance. Acknowledgment is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-20, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 10/005,164  
Docket No. F05-138798M/ARK

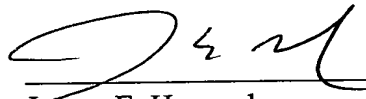
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

4/30/03



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Attachments: Request for Approval of Drawing Corrections for Figures 6 and 7